

B-24



In the Matter of Crystina Burt, Entry
Level Law Enforcement Examination
(S9999R)

STATE OF NEW JERSEY
FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-2228

Request for Reconsideration

ISSUED: **MAY 08 2015** (CSM)

Crystina Burt requests reconsideration of the attached decision rendered on December 3, 2014 which permitted her to amend her application for the Entry Level Law Enforcement Examination (S9999R).

By way of background, the subject examination was announced with a closing date of September 4, 2013 and all applications were required to be received by that date. The appellant listed a Parlin address on her original application and indicated a Middlesex Boro residency code. In her initial request, the appellant stated that her application should have reflected the residency code for Sayreville and submitted a sworn statement indicating that Middlesex Boro residency was incorrectly listed on her application. Accordingly, the Civil Service Commission (Commission) granted the request and ordered that the appellant's application be amended to indicate a Sayreville residency code. It is noted that certification OL140625, containing the names of 51 eligibles, was issued to Sayreville on May 16, 2014 and has not yet been disposed.

On reconsideration, the appellant states that after inquiring about her status to see if her name was certified to the Sayreville Police Department, she was advised by this agency that her name would be placed on the eligible list for prospective certifications only. In this regard, the appellant states that she scored 99.180 and she would have been reachable for appointment had her name been added to the outstanding certification that was issued to Sayreville. Therefore, the appellant requests that her name be added to the certification on a retroactive basis so she can be considered for an appointment as a Police Officer.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

In the present matter, the appellant has not met the standard for reconsideration. The 2013 Law Enforcement Examination Fact Sheet that was available to all applicants who applied for the subject examination specifically indicated:

RESIDENCY:

Applicants are required to complete the residency portion of the application. **Please note that your residency might not be the same as your mailing address.** Residency information will be used to place your name on the appropriate municipal and/or county eligible list based on your title selection. You must be a legal resident of the jurisdiction you list as your residency as of the closing date, September 4, 2013.

Thus, all applicants were advised at the time they filled out their application that their actual residency might not be the same as their mailing address. The appellant listed on her application a Parlin address and a Middlesex Boro, *not* Sayreville, residency code. Therefore, the Division of Agency Services properly placed her name on the Middlesex Boro list as this was the information she provided in her original application. Subsequently, the appellant requested she be permitted to amend her application to indicate a Sayreville residency code. As the documentation she submitted in her petition indicated that she lived in Sayreville, the Commission granted the appellant's request. However, the appellant's Notice of Eligibility, which specifically indicated Middlesex Boro residency, was issued to her on May 1, 2014 and she did not petition to amend her residency code until October 31, 2014, more than six months after notice was issued and the Sayreville list was certified. Nevertheless, the Commission granted her request and changed her residency to Sayreville.

The information that appellant provided in her request *clarifying* her residency code listed on his original application submissions per *N.J.A.C.* 4A:4-2.1(g), is accepted only for prospective appointment. The only circumstance where an individual's name is added to a current certification after initially being found ineligible is where there is a demonstrated error by this agency in the initial eligibility determination. See *In the Matter of Vincent Hutcheson* (MSB, decided

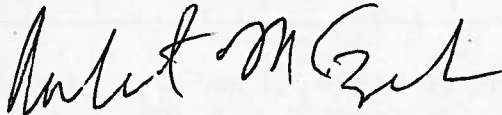
January 31, 2007) and *In the Matter of Dirk Dority* (MSB, decided September 22, 2004), *aff'd on reconsideration* (MSB, decided January 26, 2005). Such was not the case in this matter as the Division of Agency Services appropriately placed the appellant's name on the Middlesex Boro list based on what she indicated on her initial application submissions. Therefore, as this was not an agency error and the Commission provided an equitable remedy, there is no basis on which to retroactively place her name on the certification OL140625.

ORDER

Therefore, it is ordered that this request for reconsideration be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6TH DAY OF MAY, 2015



Robert M. Czech
Commissioner
Civil Service Commission

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Enclosure

c: Crystina Burt
Daniel Frankel
Kelly Glenn



STATE OF NEW JERSEY

In the Matter of Crystina Burt,
Entry Level Law Enforcement
Examination (S9999R)

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2015-1252

Examination Appeal

ISSUED: DEC 05 2014 (JET)

Crystina Burt requests that she be permitted to amend her application for the Entry Level Law Enforcement Examination (S9999R). It is noted that appellant passed the subject examination with a final average of 99.18.

By way of background, the subject examination was announced with a closing date of September 4, 2013 and all applications had to have been received by that date. A review of the record indicates that appellant listed a Parlin¹ address on her application and indicated a Middlesex Boro residency code (1211).

On appeal, Ms. Burt indicates in a sworn statement that when she applied for the subject examination, she was residing in Parlin. However, when she received her scoring notice dated May 1, 2014, it indicated a Middlesex Boro residency code. Upon contacting the Civil Service Commission, Ms. Burt asserted, among other things, that her application should have reflected the residency code for Sayreville (1219). In support of her appeal, she provides additional documentation including copies of her tax return, W-2 form, lease agreement dated June 30, 2014, firearms purchaser identification card, and driver's license which indicate that she lives at a Parlin address.

¹ The residency code that is used for Parlin addresses is 1219 (Sayreville).

CONCLUSION

N.J.A.C. 4A:4-2.1(f) permits an applicant to amend a previously submitted application prior to the filing closing date.

On the subject announcement, candidates were instructed that they must read the 2013 Law Enforcement Examination Fact Sheet. The Fact Sheet specifically states, "You must be a legal resident of the jurisdiction you list as your residency as of the closing date, September 4, 2013." Thus, candidates were on notice regarding residency requirements.

In the present matter, the announcement clearly indicated that the last date for filing an application was September 4, 2013. Ms. Burt has submitted a sworn statement in which she indicates that the Middlesex Boro residency was incorrectly indicated on the application for the subject examination. Since Ms. Burt has submitted a sworn statement that she lived in Parlin at the time she submitted the application and Middlesex Boro was indicated as the residency code as a result of her error, her request should be processed and the appellant be permitted to amend her application to indicate a Sayreville residency code (1219).

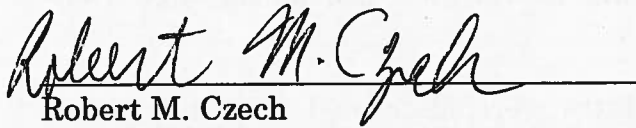
The Commission emphasizes that it is not making a determination of the appellant's residency. In this regard, it is noted that each jurisdiction has its own residency requirement, which must be met by the closing date. The Civil Service Commission does not have authority over the establishment of this requirement. Some jurisdictions only require candidates to be residents as of the closing date, while others also require that residency be maintained up to the date of appointment. See *N.J.A.C.* 4A:4-2.11(c). The appointing authority will investigate the appellant's residency as part of its background check conducted prior to making any appointment.

ORDER

Therefore, it is ordered that this appeal be granted and Ms. Burt's application be amended to indicate a Sayreville residency code.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION
THE 3rd DAY OF DECEMBER, 2014

A handwritten signature in black ink, reading "Robert M. Czech", is written over a horizontal line.

Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
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c: Crystina Burt
Kelly Glenn